

MINUTES OF THE SPECIAL MEETING OF THE ANKENY CITY COUNCIL

Thursday, February 4, 2010 - 5:00 P.M.
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

Steven D. Van Oort, Mayor

Dave Kissinger, Mayor Pro Tem

Council Members: Craig Block, Dave Kissinger, Wade Steenhoek, Gary L. Welch

Mayor Van Oort called the meeting to order at 5:00 p.m. Council member Kissinger was absent. City Manager, Carl Metzger, and City Attorney, Bill Mallory, were present.

Mayor Van Oort stated Councilor Kissinger had an excused absence.

A. APPROVAL OF AGENDA

Councilor Block stated he would abstain from both the discussion and vote related to the appeal hearing this evening for reasons of a conflict of interest.

ACTION #1. Welch made the MOTION to approve and accept the February 4, 2010 agenda, without amendment, seconded by Strait.

ROLL CALL

2010-0204.01 YES 4 NO 0

B. NEW BUSINESS

- APPEAL HEARING- RICHARD AND LAURIE OGG

Mayor Van Oort announced this is the time and place for the hearing of Laurie and Richard Ogg, 2508 NW 14th Street, Ankeny, Iowa, to appeal the Notice and Order served them on January 26, 2010, by the Ankeny Police Department.

Pursuant to Municipal Code Chapter 57.04, the Notice and Order to safely remove a dangerous or vicious animal from the city was served on Laurie and Richard Ogg on January 26, 2010. A written notice of appeal was filed in the City Clerk's office by Laurie and Richard Ogg on January 29, 2010.

Laurie Ogg, 2508 NW 14th Street, addressed the council presenting a sequence of actions that occurred involving their dog, Lady, on January 19th, 2010. She has written statements from neighbors stating they had no complaints with their Siberian Husky. She stated that on January 19th their Siberian Husky did become at large while she was sleeping. Their dog is leashed in their fenced back yard but on this day broke its leash and because of the snow the back gate was not closed. One of her neighbors called and woke her to report her dog was loose. She stated within ten minutes they had their dog contained and into their vehicle and at that same time her neighbor Angela Thrailkill was informing her from her porch across the street that their Siberian Husky had attacked her dog and she had contacted the police. Laurie Ogg stated at least four statements made by her neighbor, Angela Thrailkill to the police were false statements which is the reason for their appeal.

Richard Ogg, 2508 NW 14th Street, stated they realize their dog was at large and they would be willing to buy a kennel/dog run so it doesn't happen again. He stated their dog Lady is currently outside the city limits at a friend's farm and they may decide to leave her there.

Chief Mikulec stated council has before them an 11 page report, three pages of which are a statement provided by Angela Thraikill, four pages of which were provided by the vet and four pages of which are from the City Code, Chapter 57. The only two elements of the three page statement provided by Angela Thraikill upon which the Police Department relies is paragraph 2 and 3. What the police department is interested in, in those two paragraphs is that a dog was in fact at large in violation of the city code and while at large it violated another provision of the code that states the dog attacked a domestic animal or fowl while the attacking is off the animal's property or running at large. Chief Mikulec stated the Ogg's dog was in fact at large and it was off the property when the attack occurred. He stated there was nothing else used by the police from that statement of Angela Thraikill in issuing the first citation or enforcing the provisions of Chapter 57.042 that required the owners to remove the animal or destroy the animal within three days. Police Chief Mikulec asked if council would accept the report as evidence in this case as it will substantiate the ground work that this incident did occur in the city of Ankeny on the date and time described and that this is in fact a violation of Chapter 57 and that is how the police department enforces this particular ordinance.

Angela Thraikill, 2510 NW 14th Street, addressed the council presenting a sequence of actions that occurred involving their dogs, Cookie and Peanut, on January 19th, 2010 wherein her dog Peanut was attacked and later died as a result of that attack according to veterinary autopsy report.

Councilor Steenhoek inquired as to whether there is debate regarding whether or not the Ogg's dog attacked the dog owned by the Thraikills.

Police Officer Higgins stated there is no debate pursuant to the questions posed during the Ogg's interview.

ACTION #2. Welch made the motion to close appeal hearing, seconded by Steenhoek.

ROLL CALL

2010-0204.02	YES	3	NO	0	ABSTAIN	1
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ACTION #3. Steenhoek made the motion to affirm the Notice and Order, seconded by Strait.

ROLL CALL

2010-0204.03	YES	3	NO	0	ABSTAIN	1
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Mayor Van Oort stated the final decision of the council will be prepared in writing and delivered to the Mr. and Mrs. Ogg by February 5, 2010 at 5:00 p.m.

C. ADJOURNMENT

ACTION #4. There being no further business, Strait made the MOTION to adjourn, seconded by Welch. (6:15 p.m.)

Special City Council Minutes
February 4, 2010

Pamela DeMouth, City Clerk

Steven D. Van Oort, Mayor

The context of the above meeting will be submitted for council action at their regular meeting on February 15, 2010.

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